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Sent: 9/23/2021 12:46:25 AM
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Subject: ACTION: RA Update 09-23-21
Attachments: RA Update draft 09-23-jm.docx; Unused 09-23.docx

Importance: High

R6 Weekly Update September 23, 2021

- **Section 1: N/A**
- **Section 2: Regional Administrator Signature Items**
 - **Revised Air Quality Designations for the 2015 Ozone NAAQS, Colorado, New Mexico and Texas:** By **September 24**, the Administrator is expected to revise the boundaries for two nonattainment areas in three states (Colorado, New Mexico, and Texas). Upon further review, EPA is expanding the Doña Ana County, New Mexico, nonattainment area to include El Paso County, Texas, and is expanding the Metro/North Front Range, Colorado, nonattainment area to include all of Weld County, Colorado.
 - **SO₂ SIP Revision, Rusk-Panola, Texas:** By **October 13**, R6 intends to file comments on Texas's proposed SO₂ attainment SIP for the nonattainment area in the vicinity of the Martin Lake power plant. The SIP addresses the requirements of Clean Air Act Subtitle D's nonattainment area planning requirements. R6 has noted and discussed with the Texas Commission on Environmental Quality several concerns with the proposed SIP.
 - **SIP Revisions, Oklahoma:** By **October 15**, R6 expects to propose approval of revisions to the Oklahoma State Implementation Plan (SIP) to update general provisions definitions and incorporation by reference provisions.
 - **Ozone Nonattainment Area, Sunland Park, New Mexico:** By **October 6**, R6 intends to propose to approve revisions to the New Mexico State Implementation Plan to meet the Emissions Inventory and Emissions Statement requirements of the CAA for the Sunland Park ozone nonattainment area for the 2015 8-hour ozone NAAQS.
 - **Grambling State University, Louisiana:** R6 expects to sign a Memorandum of Understanding (MOU) with Grambling State University (GSU) in Louisiana and OECA to formalize a partnership and enhance collaboration between R6 and GSU. Under the MOU, R6 and GSU intend to work collectively to progress efforts focusing on preparing students to enter and compete in the federal workforce, providing expertise to review and enhance curriculums and participating on research efforts to promote environmental awareness.
- **Section 3: Hot Topics**
 - **Major policy, regulatory, compliance, or enforcement activities**
 - **January Environmental Services, Inc., Oklahoma City, Oklahoma:** On **September 17**, the judge granted DOJ's motion to add JTI, the owner of the property where the facility is located, as a defendant

in the case and substantially granted DOJ's motion to compel defendants to provide documents as requested by October 15.

- **Industrial Flyovers, Louisiana:** On August 24, EPA Region 6 began helicopter flyovers equipped with infrared cameras of industrial facilities across the state of Louisiana. The goal of the industrial flyovers is to evaluate these facilities to determine the presence of significant unauthorized or underreported emissions of volatile organic compounds and HAPs. The excess emissions targeted through this project have the potential to impact air quality in nearby communities with environmental justice concerns. During the week of September 6, the flyovers were conducted in the northern and middle areas of the state.

Ex. 5 DP / Ex. 7(A)

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Due to Hurricane Ida, the flyovers were temporarily demobilized on Friday, August 27. On September 20, the flyovers were remobilized to complete areas in the southeastern part of Louisiana. The flyovers will be completed by the end of September.

- **Denka Performance Elastomers, LaPlace, Louisiana:** R6 shared Denka's fence line monitoring protocol with the Concerned Citizens of St. John and other stakeholders who are part of the environmental justice (EJ) stakeholders in Louisiana that raised concerns about fence line monitoring activities. R6 has approved Denka's proposed protocol to monitor chloroprene and 1,3-butadiene at the Denka facility fence line. The approval requires Denka to begin monitoring using R6-approved methods by **October 14** and continue until December 2024, unless R6 agrees in writing that Denka may cease monitoring and reporting earlier. R6 will make the data available to the public after completing a quality assurance review. All Continuous Air Monitoring Program (SPod) locations are operational. Five canisters were dynamically triggered at different locations between September 14 and September 19.

Ex. 5 DP / Ex. 7(A)

- **Mosaic Fertilizer, Uncle Sam Plant, Convent, Louisiana:** The facility is still without power and may be for another month. It is running on diesel generators. The Louisiana Department of Environmental Quality (LDEQ) seemed confident that Mosaic will be able to continue to procure diesel fuel. The facility has continued to build up its dikes using gypsum from Stack 4, and currently has over six feet of freeboard, which should be enough to handle routine rainfall until the facility regains power unless another major storm comes through.

Ex. 5 DP / Ex. 7(A)

Ex. 5 DP / Ex. 7(A)

- **Union Pacific Railroad, Houston, Texas:** On **September 21**, R6 participated in a briefing for Deputy Administrator Janet McCabe regarding the UPRR facility and nearby Kashmere Gardens neighborhood. The briefing provided an overview of the site history, current conditions, health studies, and R6's proposed comments on the draft UPRR permit.
- **Chevron Questa Mine Superfund Site, Questa, New Mexico:** On **September 22**, R6, in coordination with Chevron Mining, Inc., the New Mexico Environment Department, and New Mexico Energy, Minerals, and Natural Resources Department, met virtually with local officials from the Village of Questa and Taos County. The meeting provided an update to local officials on site cleanup work status.
- **SAFETEA Consultations, Oklahoma:** Individual SAFETEA tribal consultations have been requested and scheduled with Pawnee Nation (**Sept. 23**); Osage Nation (**Sept. 28**); Cherokee Nation (**Oct. 1**); Choctaw Nation (**Oct. 1**); Quapaw Nation (**Oct. 13**); Muscogee Creek Nation (**Oct. 13**); and Sac and Fox Nation (date pending).
- **Chevron Gulf of Mexico Big Foot and Genesis Offshore Platforms, Federal Waters in the Gulf of Mexico:** On **September 21**, R6 approved a 30-day extension for Chevron Gulf of Mexico to store five containers of hazardous waste on its Big Foot and Genesis offshore platforms in the Gulf. Chevron requested the extension because it had not been able to ship the waste due to disposal company delays caused by Hurricane Ida. Because these two offshore platforms are located in federal waters, EPA has direct implementation authority for the RCRA regulations for these platforms.
- **Environmental Justice Communities Impacted by Hurricane Ida, Louisiana:** R6 hosted an EJ stakeholders call on **September 21**. During the call, staff provided updates about EPA activities, welcomed feedback, responded to questions, and thanked the EJ stakeholders for their assistance in our response activities. R6 will discontinue hosting these calls, as the mission assignment is ending.
- **Gretna Plating and Polishing, Gretna, Louisiana:** On **September 19**, R6 responded to a request from the New Orleans Regional Planning Commission for an emergency removal to address hazardous substances inside the former plating facility as well as an emergency demolition of the building due to concerns about its structural integrity. The facility is in a residential area of Gretna and had been severely compromised by Hurricane Ida. A structural engineer provided by the City of Gretna assessed the structural integrity of the building and confirmed it was stable. R6 contractors conducted air monitoring to confirm no hazards were present during operations and secured the property. By October 8, R6 will return to the site to bulk waste materials and arrange for off-site disposal.
- **Coffee Creek and Mossy Lake, Arkansas:** The Arkansas Pollution Control & Ecology Commission (Commission) removed consideration of the ADEQ's proposed water quality standards (WQS) revisions from its August 2021 hearing. The ADEQ is not moving forward with proposing revisions to Rule 2 in September but may do so at the Commission's October hearing. ADEQ has not indicated whether it intends to propose appropriate designated uses for Coffee Creek and Mossy Lake, per EPA's previous comments.

Ex. 5 DP / Ex. 7(A)

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- **Dos Republicas Coal Partnership, Eagle Pass, Texas:** On **September 2**, the Texas Commission on Environmental Quality (TCEQ) submitted additional information in response to R6's "Interim" Objection letter (request for more information) regarding our review of the draft permit for the Dos Republicas Coal Partnership. R6 concluded that more information is needed to determine compliance with the Clean Water Act requirement related to the operator of the facility. This issue has been raised in

the Texas Court of Appeals and is pending final decision from the Texas Supreme Court. R6 and the TCEQ will schedule a conference call to discuss resolution of the issue.

- **Northwest Arkansas Conservation Authority (NACA), Bentonville, Arkansas:** The current drafted NACA ADPES permit considers raising the total phosphorus (TP) limit from 0.1 mg/l to 0.5 mg/l, principally based on the Illinois River MOA between Arkansas and Oklahoma, not necessarily based on CWA requirements for water quality based permits. The discharges from this facility are significant

Ex. 5 Deliberative Process (DP)

September 2021, R6 provided options to issue a variance or interim objection where, for the latter, ADEQ could seek the advice of EPA HQ in determining the appropriate TP concentration limit for the NACA facility.

- **Port of Corpus Christi Authority, Corpus Christi, Texas:** On **September 20**, R6 issued a Notice of Termination Permit Review Waiver letter to the Texas Commission on Environmental Quality regarding the proposed TPDES permit for the Port of Corpus Christi Authority. The applicant proposes to operate a desalination plant to provide additional water source (potable water) to the surrounding community during drought conditions. R6 also requested the submittal of all supporting document files related to the Port Authority's original application submittal of March 2018 within 10 days.
- **Los Alamos National Laboratory, Los Alamos County, and New Mexico Department of Transportation, New Mexico:** As a result of a petition by Amigos Bravos, on December 16, 2019, Los Alamos County, Los Alamos National Laboratory, and New Mexico Department of Transportation were designated as needing Municipal Separate Storm Sewer System (MS4) permits for MS4 discharges on LANL property and the Los Alamos Urban Cluster. Los Alamos County challenged this designation in the 10th Circuit Court of Appeals. The due date for EPA's Administrative Index in the 10th Circuit appeal of the Los Alamos designation decision was extended to **September 23**. EPA's petition for dismissal on jurisdictional grounds, asserting that the case belongs in the District Court, is still pending.
- **WildEarth Guardians, New Mexico:** On **September 20**, WildEarth Guardians (WEG) petitioned R6 under Section 553(e) of the Administrative Procedure Act (APA) to find that the New Mexico Environment Department (NMED) is not adequately administering its CAA Title V permitting program. The petition stems from WEG's assertion that there are almost two dozen oil and gas major sources in the state that failed to submit a timely Title V permit application and are improperly operating without an approved Title V permit. R6 will obtain the necessary permit information for specific facilities listed in the petition, as well as conduct a review of our regulatory approval of the NMED permit program in comparison to how NMED is implementing the program, in order to evaluate the allegations made in the petition.
- **National Energy Advisory Team:** On **September 27**, R6 will host the National Energy Advisory Team biweekly meeting, which will include an update on the STRONGER MOU development, the IOGCC annual conference and the IOGCC-EPA Taskforce meeting as well as member led topics. OAQPS will provide an update on regulation development regarding methane controls in the oil & gas sector.
- **Churchill Downs, New Orleans, Louisiana:** R6 anticipates that the Motion to Enter will be filed by **September 30**. The Churchill Downs CD was lodged on September 29, 2020.
- **Lane Plating Superfund Site, Dallas, Texas:** On **September 16**, R6 held a virtual meeting with the Lane Plating Community Advisory Group (CAG) and the Dallas Sierra Club. The CAG and the Sierra Club had questions concerning the detections of arsenic in soil collected from residential yards northeast

of the Site. In addition, the CAG and the Sierra Club had questions about the human health effects of arsenic, and possible risk reduction techniques for residents with arsenic above screening levels. The CAG requested written responses to questions generated by the Technical Assistance Services for Communities (TASC) report on residential soil arsenic. R6 provided responses describing possible alternate sources of arsenic, arsenic persistence in soil, and exposure routes of arsenic. A public meeting will be planned with the assistance of the CAG later this year to present and discuss results with the community.

- **Abandoned Oil Wells, Lake Oologah-Winganon Area, Rogers County, Oklahoma:** Beginning the week of **September 27**, R6 plans to begin well plugging operations at Lake Oologah. Three previously identified wells remain to be plugged and abandoned (P&A) at this site. The Oklahoma Corporation Commission (OCC) has identified two additional wells for evaluation and potential plugging. The Cherokee Nation plans to send a representative to observe these well plugging operations.
- **Major events, emergencies/incidents, or meetings**
 - **September 28:** Osage Nation SAFETEA Tribal Consultation
 - **September 30:** National Tribal Operations Committee meeting
 - **October 1:** Cherokee Nation SAFETEA Tribal Consultation
 - **October 1:** Choctaw Nation SAFETEA Tribal Consultation
 - **October 6:** Arkansas Environment Federation Annual Convention (virtual)
- **Section 4: N/A**